

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1 - 24 (Previously Withdrawn)

25. (Currently Amended) A game playing apparatus for a game of chance, comprising:

a game display;

an operating system for said game apparatus including a processor, said processor having a program effecting play of said game of chance, said program having at least one payout table and a random number generating subroutine, said operating system further including a memory;

an input device through which a player provides a control input to said game apparatus;

a wagering input device;

a payout device;

said operating system: driving said display to present a plurality of game element locations; registering a selection input by a player of game element locations, where said program limits said selection to less than all of said plurality of game element locations; registering a wager input by the player upon an outcome of said game of chance; determining a game element indicium to be displayed from a set of game element indicia in at least said selected game element locations for a gameplay condition, said game element indicium being randomly assigned from said set for each said game element location from a set of game element indicia having different indicia for such assignment;wherein it is possible that said random assignment may result in a game element indicium from said set to not be assigned to any of the plurality of game element locations, displaying said randomly determined indicium for each said selected game element location; determining an outcome of said game of chance based upon said gameplay condition; and providing a payout, if any, according to a winning condition being determined as established by said payout table.

26. (Original) The apparatus of Claim 25 wherein said gaming machine is a slot game, said plurality of game element locations are represented as reels having a plurality of stop positions with said set of game element indicia being represented on each said reel.

27. (Original) The apparatus of Claim 25 wherein said payable has an award of increasing value for said winning condition based upon an aggregate number of matching indicia in the gameplay condition.

28. (Original) The apparatus of Claim 27 wherein said payable further includes a hierarchy of values based upon the type of indicium, such that certain indicium yield a greater award for the same aggregate number of matches.

29. (Currently Amended) A Keno-type gaming machine, comprising:

- a game display having a plurality of game element locations;

- an operating system for said game apparatus including a processor, said processor having a program effecting play of said game of chance, said program having at least one payout table and a random number generating subroutine for selecting game elements from a set of game elements with differing indicia;

- a memory;

- an input mechanism through which a player provides a control input to said game apparatus and a wagering input;

- a payout device;

- said operating system: driving said display to present a plurality of game element locations; registering a selection input by a player of game element locations, where said program limits said selection to less than all of said plurality of game element locations; registering a wager input by the player upon an outcome of said game of chance; after registering said selection and said wager, then determining a game element indicium to be displayed from a set of game element indicia in at least said selected game element locations for a gameplay condition, said game element indicium being randomly assigned from said set for each said game

element location from a set of game element indicia having different indicia for such assignment; wherein it is possible that said random assignment may result in a game element indicium from said set to not be assigned to any of the plurality of game element locations, displaying said randomly determined indicium for each said selected game element location; determining an outcome of said game of chance based upon said gameplay condition; and providing a payout, if any, according to a winning condition being determined as established by said payout table.

30. (Original) The gaming machine of Claim 29 wherein said random assignment of game elements is drawn from all of said game elements of said set for each said selected game element location.

31. (Original) The gaming machine of Claim 29 wherein said payable includes a predetermined minimum number of matching game element indicia for a winning condition.

32. (Original) The gaming machine of Claim 29 wherein said set of game elements includes subsets of matching game elements, and wherein said random assignment of game elements involves only said set as a whole for a given gameplay.

33. (Original) The gaming machine of Claim 32 wherein said game display is a matrix of rows and columns defining said game element locations.

34. (Original) The gaming machine of Claim 33 wherein said random assignment of game elements is provided in the form of a spinning reel presentation for at least each said selected game element location, each said reel revealing a randomly assigned game element for a respective game element location in a reel-stop position.

35. (Original) The gaming machine of Claim 32 wherein said payable includes awards of increasing value for said winning condition based upon the aggregate number of matching indicia in the gameplay condition.

36. (Original) The gaming machine of Claim 35 wherein said payable further includes a hierarchy of values based upon the type of indicium, such that certain indicium yield a greater award for the same aggregate number of matches.

37. (Original) The gaming machine of Claim 33 wherein said random assignment of game elements occurs for all said game element locations for a gameplay condition, and said winning condition further includes predetermined spatial arrangements of indicia in said matrix.

38. (Original) The gaming machine of Claim 37 wherein said spatial arrangements include horizontal, vertical and diagonal lines.

39. (Currently Amended) A video gaming machine for playing a wagering game of chance, comprising:

- a video game display for presentation of a plurality of game element locations;

- an operating system for said game machine including a processor, said processor having a program effecting play of said game of chance, said program having at least one payout table and a random number generating subroutine for selecting game elements from a set of game elements with differing indicia; said operating system further including a memory;

- an input mechanism through which a player provides a control input to said game apparatus and a wagering input;

- a payout device;

- said operating system: driving said display to present a plurality of game element locations; registering a selection input by a player of game element locations, where said program limits said selection to less than all of said plurality of game element locations; registering a wager input by the player upon an outcome of said game of chance; after registering

said selection and said wager, then determining a game element indicium to be displayed from a set of game element indicia in at least said selected game element locations for a gameplay condition, said game element indicium being randomly assigned from said set for each said game element location from a set of game element indicia having different indicia for such assignment; wherein it is possible that said random assignment may result in a game element indicium from said set to not be assigned to any of the plurality of game element locations, displaying said randomly determined indicium for each said selected game element location; determining an outcome of said game of chance based upon said gameplay condition; and providing a payout, if any, according to a winning outcome being determined as established by said payout table.

40. (Original) The gaming machine of Claim 39 wherein said payable includes a predetermined minimum number of matching game element indicia for a winning outcome.

41. (Original) The gaming machine of Claim 40 wherein said payable includes an award that increases in value for said winning outcome based upon an increase in the aggregate number of matching indicia in the gameplay condition.

42. (Original) The gaming machine of Claim 41 wherein said payable further includes a hierarchy of values based upon the type of indicium, such that certain indicium yield a greater award for the same aggregate number of matches.

43. (Original) The gaming machine of Claim 42 wherein said random assignment of game elements is provided in the form of a spinning reel presentation for at least each said selected game element location, each said reel revealing a randomly assigned game element for a respective game element location in a reel-stop position, and all of said game elements of said set are available on each said reel.

44. (Original) The gaming machine of Claim 42 wherein said operating system includes a plurality of paytables, said paytables being of increasing values one payable to the next, a

respective payable being applied to determine an outcome of the game according to the aggregate number of game element locations selected.

45. (Original) The gaming machine of Claim 44 wherein said wager is based upon the aggregate number of game element locations selected and a wagered amount per location.

46. (Original) The gaming machine of Claim 43 wherein said wager is based upon the aggregate number of reels selected and a wagered amount per reel.

47. (Original) A slot-type gaming machine using a spinning reel visual presentation, said reels being either mechanical or video, comprising:

- a plurality of reels in a display, each of said reels having a plurality of game indicia with at least some of said indicia being different from each other;

- an operating system for said machine;

- an input mechanism through which a player provides a control input to said game apparatus and a wagering input;

- a payout device;

- said operating system: registering a selection input by a player of selected reels, where said selection is limited to less than all of said reels; registering a wager input by the player upon an outcome of said game; after registering said selection and said wager, then spinning at least said selected reels for a gameplay condition, said game element indicium being randomly arrived at for each said reel;

- an outcome of said game of chance being determined based upon said gameplay condition, with a payout, if any, according to a winning outcome being determined as established by a payout table.

48. (Original) The gaming machine of Claim 47 wherein said outcome is predicated upon a predetermined associative methodology including matches of indicia, with a payout of an

increasing value depending on the aggregate number of matching indicia of said selected reels in said gameplay condition.

49. (Previously Withdrawn)

50. (Currently Amended) A gaming machine, comprising:

a display for displaying a game of chance, said game of chance being played with a plurality of game elements;

a wager input mechanism that registers a wager input by a player, said wager input including registration of an amount bet;

an operating system including a methodology for play of said game of chance, wherein each of said plurality of game elements has a plurality of stop positions with a set of game indicia thereon,

wherein the player selects a subset of one or more of said plurality of elements to determine an outcome of said game; a random selection mechanism randomly selects and displays a stop position from said set of each of said plurality of elements on the display; wherein it is possible that said random assignment may result in a game element indicium from said set to not be assigned to any of the plurality of stop positions, said methodology determining an outcome of said game based upon combinations of said game indicia of said random stop position of said subset of one or more said plurality of elements and award winnings, if any, per a payable of winning combinations.

51. (Original) The gaming machine of Claim 50 wherein said gaming machine is a video gaming machine, said display is a video monitor, and said operating system includes a CPU with a program having said methodology as part of said program, said program further driving said display according to said program, said random selection mechanism comprises a random number generating routine.

Appl. No. 10/090,685

Response to Office Action Mailed Jan. 9, 2004

52. (Original) The gaming machine of Claim 51 where said gaming machine is a slot machine and said game elements are reels.